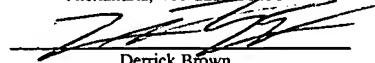


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
**UTILITY PATENT APPLICATION TRANSMITTAL**  
(For new non-provisional applications under 37 CFR § 1.53(b))

Atty. Dkt. No:	5681-78600
Inventor(s):	Patrick Petit
Title:	OVERLOAD MANAGEMENT IN AN APPLICATION-BASED SERVER

§ § § § § § § §

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10	
"Express Mail" mailing label number: EL990142738US DATE OF DEPOSIT: 1/27/04	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to:	
Commissioner for Patents Box Patent Application P.O. Box 1450 Alexandria, VA 22313-1450	
 Derrick Brown	

16834 U.S.PTO  
10/765828

012704

**Application Elements**

1.  **Filing Fee**

The filing fee is calculated as shown below.

Total Claims	37	- 20	= 17	x \$18.00	= \$306.00
Independent Claims	2	- 3	= -1	x \$86.00	=
Multiple Dependent Claims				Fee:	
				Basic Fee:	\$ 750.00
				Total:	\$1,056.00

The Commissioner is hereby authorized to charge the filing fee and any other fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5681-78600/BNK.

2.  **Specification**

46 page(s) of specification; 7 page(s) of claims, 1 page(s) of abstract

3.  **Drawings**

Informal Figure(s) 1-15C on 16 sheet(s)

4.  **Oath or Declaration**

Newly executed

Copy from a prior application (see 37 C.F.R. § 1.63(d))

Deletion of Inventor(s) (in continuation or divisional applications):

Delete the following inventor(s) named in the prior non-provisional application: \_\_\_\_\_

The inventor(s) to be deleted are set forth on a signed sheet attached hereto.

5.  The entire disclosure of the prior application referred to above is considered to be part of the accompanying application and is hereby incorporated by reference herein.

6.  **Microfiche Computer Program (Appendix)**

7.  **Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)**

Computer Readable copy

Paper Copy (identical to computer copy)  
 Statement verifying identity of above copies

8.  Assignment Papers  
 Assignee: **Sun Microsystems, Inc.**

9. Power of Attorney  
 Is attached.  
 The power of attorney appears in the original papers of the prior application.  
 Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

10.  Information Disclosure Statement (IDS)  
 Copies of IDS Citations

11. Amendments  
 A preliminary amendment is enclosed.  
 Cancel in this application claim(s) \_\_\_\_\_ before calculating the filing fee. At least one independent claim is retained for filing purposes.  
 Amend the specification by inserting before the first line the sentence: \_\_\_\_\_.

12.  Return Receipt Postcard

13. Small Entity Status  
 A small entity statement is enclosed.  
 A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.  
 Is no longer claimed.

14.  Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §§ 119(a)-(d)

15.  Petition under 37 C.F.R. § 136 for Extension of Time

16.  Fee Authorization form

17.  Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)

Address all future correspondence to:

B. Noël Kivlin  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
**Customer ID #35690**  
P.O. Box 398  
Austin, Texas 78767  
(512) 853-8800; Fax (512) 853-8801

Signature



Name

B. Noël Kivlin

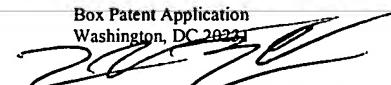
Registration No.

33,929

Date

1-27-04

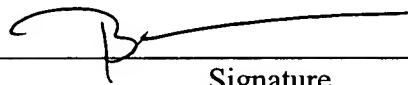
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<p style="text-align: center;"><b>CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10</b></p> <p>"Express Mail" mailing label number: <u>EL990142738US</u> DATE OF DEPOSIT: <u>1/27/04</u></p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231</p> <p> Derrick Brown</p>	<p style="text-align: center;"><b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b></p>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Atty Docket Number:</td> <td style="width: 50%;">5681-78600</td> </tr> <tr> <td colspan="2">First Named Inventor: Patrick Petit</td> </tr> <tr> <td colspan="2">Title: <b>OVERLOAD MANAGEMENT IN AN APPLICATION-BASED SERVER</b></td> </tr> </table>		Atty Docket Number:	5681-78600	First Named Inventor: Patrick Petit		Title: <b>OVERLOAD MANAGEMENT IN AN APPLICATION-BASED SERVER</b>	
Atty Docket Number:	5681-78600						
First Named Inventor: Patrick Petit							
Title: <b>OVERLOAD MANAGEMENT IN AN APPLICATION-BASED SERVER</b>							

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b)

1-27-04

Date



Signature

B. Noël Kivlin	33,929
Typed or printed name	Reg. No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.